

WASHINGTON, DC—U.S. Rep. Peter DeFazio (D-Springfield) today offered an amendment to H.R. 1585, the fiscal year 2008 Department of Defense Authorization Bill, to prohibit the President from going to war with Iran without Congressional authorization.

The DeFazio amendment clarifies that no previously enacted law authorizes military action against Iran. It also prohibits funding authorized by the bill or in any other act from being used to take military action against Iran without specific authorization from Congress unless there is a “national emergency created by an attack by Iran upon the United States, its territories or possessions or its armed forces.” The amendment was defeated by a vote of 136-288.

“The Constitution very clearly gives the authority to declare war to Congress, not the President,” said DeFazio. “Unfortunately, the President believes otherwise. My amendment was simply about whether or not Congress will stand up and defend the war powers granted to this body in the Constitution by our nation’s founders.

With the defeat of my amendment, Congress has undermined the Constitution and endorsed a policy of unchecked executive power to wage war.

That is a very, very dangerous result.”

“The march to war with Iran is disturbingly similar to the march to war with Iraq,” DeFazio continued, “Regretably, Congress seems not to have learned any lessons from that prior failure. Congress had a chance today to stand up for the Constitution, to stand up for an overburdened military, and to stand up on behalf of the millions of Americans concerned about the looming possibility of a third war. Congress failed.”

Background

Article I, Section 8 of the U.S. Constitution grants Congress the power “to declare war”, and to lay and collect taxes “to provide for the common defense,” “to raise and support armies,” to provide and maintain a navy,” “to make rules for the regulation for the land and naval forces,” to

“provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions,” and to “provide for organizing, arming, and disciplining the militia.” The Constitution also gives Congress the power of the purse, “No money shall be drawn from the Treasury but in consequence of appropriations made by law.”

By contrast, the sole war power granted to the Executive Branch can be found in Article II, Section 2, which states, “The President shall be the Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into actual service of the United States...”

The founders intended this power to allow the President “to repel sudden attacks,” not to launch offensive military actions in foreign countries without a vote in Congress. James Madison wrote, “In no part of the constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislative, and not to the executive department.”